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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,082	03/31/2004	William E. Lynch III	WEL-101	5648
25628 7590 02/18/2009 LAW OFFICES OF WILLIAM H. HOLT 12311 HARBOR DRIVE WOODBIDGE, VA 22192				
EXAMINER HADZONOOZ, BANAFSHEH				
ART UNIT		PAPER NUMBER		
3715				
MAIL DATE		DELIVERY MODE		
02/18/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/813,082

Applicant(s)

LYNCH, WILLIAM E.

Examiner

Banafsheh Hadizonoov

Art Unit

3715

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

In response to the amendment filed on 11/07/2008, claims 1-7 are pending. This application is made **Final**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Lousing-Nont (US 4,358,279) in view of James Wiley (US 1,883,199).

[Claim 1]: Regarding claim 1 Lousing-Nont discloses a template (e.g. score sheet) for evaluating and scoring designated pairs of responses, said template comprising a series of paired locations thereon, a first set of said locations being linked by indicia on said template, a pathway leading from said first set of locations to at least a second set of locations, said pathway being shown by said indicia for leading a user from said first set to said second set of locations (See Col.4, 19-24), each of said locations allowing for viewing through said template. Lousing-Nont does not specifically disclose connecting the pairs of responses together and making a pattern. However, Wiley discloses a scoring sheet for multiple question tests, wherein the correct answers are connected together with lines and a pattern is formed (See Fig.3, and P.2, 113-P.3, 1). Therefore, it would have been obvious to one of ordinary skill in the art to combine the features of Wiley's invention into the system and method of Lousing-Nont in order to design a

system for easy scoring of multiple-choice or true-false questions.

[Claim 2]: regarding claim 2, Wiley discloses a template as defined in claim 1 wherein said indicia comprises a series of lines connecting the sets together (See Fig.3).

[Claim 3]: Regarding claim 3, Lousing-Nont fails to specifically disclose a series of broken lines that connect the distinguished pairs together. However, the applicant has not disclosed that including the dashed lines to connect the pairs provides any advantage or solves any specific problem. Moreover, the invention is expected to work equally well without the dashed lines. Therefore, it would have been obvious to modify Lousing-Nont's invention as specified in claim 3, because such invention is considered a mere design choice which fails to patentably distinguish over the prior art.

[Claim 4]: Lousing-Nont discloses a template wherein each pair of locations is identified by a common geometric shape (e.g. circles and squares) (See Fig. 5, and abstract).

[Claim 5]: Lousing-Nont further discloses a template wherein each pair of locations is identified by an identical geometric shape, and the next consecutive pair in said series is identified by a different geometrical shape (See Col.3, 24-33).

[Claim 6]: with respect to claim 6, Lousing-Nont discloses a method for evaluating designated pairs of responses to a series of questions, said method including the steps of positioning a template upon an answer sheet, and following a pathway for identifying pairs of answers to a plurality of paired questions, and evaluating said pairs of answers to said paired questions (See Col.4, 19-30, 38-41).

[Claim 7]: Regarding claim 7, Lousing-Nont/Wiley discloses a method as defined in claim 6 wherein said pathway is comprised of a continuous line (See Fig.4).

Response to Arguments

Applicant's arguments filed 06/09/2008 have been fully considered but they are not persuasive. Applicant argues that the cited prior art does not disclose scoring designated pairs of responses. The Examiner disagrees and notes that in Lousig-Nont the questions with similar answers are paired together and connected by lines in order to make the calculation of examinee's score easier (See figure 4, lines 123,125 and 127).

The examiner further notes that what applicant is arguing is not positively cited in the claim language and further clarification is required.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Banafsheh Hadizonooz whose telephone number is 571-272-1242. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272- 7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BH

/Cameron Saadat/
Primary Examiner, Art Unit 3715